

# A TREATY

(215)

Between Great Britain and the United States concerning the Fisheries in waters contiguous to the Dominion of Canada and the United States, signed at Washington on April 11, 1908.

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and the British Dominions beyond the Seas, King, and Emperor of India, and the United States of America, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the food fishes in the waters contiguous to the Dominion of Canada and the United States, have resolved to conclude a convention for these purposes, and have named as their plenipotentiaries

His Britannic Majesty, the Right Honourable James Bryce, O.M., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root, Secretary of State of the United States;

Who, having exchanged their full powers, found in due form, have agreed to, and signed the following articles:

## ARTICLE I.

The times, seasons, and methods of fishing in the waters contiguous to Canada and the United States as specified in Article IV. of this convention, and the nets, engines, gear, apparatus, and appliances which may be used therein, shall be fixed and determined by uniform and common international regulations, restrictions, and provisions; and to that end the high contracting parties agree to appoint, within three months after this convention is proclaimed, a commission to be known as the International Fisheries Commission, consisting of one person named by each government.

## ARTICLE II.

It shall be the duty of the International Fisheries Commission, within six months after being named, to prepare a system of uniform and common international regulations for the protection and preservation of the food fishes in each of the waters prescribed in Article IV. of this convention, which regulation shall embrace close seasons, limitations as to the character, size, and manner of use of nets, engines, gear, apparatus, and other appliances; a uniform system of registry by each government in waters where required for the more convenient regulation of commercial fishing by its own citizens or subjects within its own territorial waters or any part of such waters; an arrangement for concurrent measures for the propagation of fish; and such other provisions and measures as the commission shall deem necessary.

## ARTICLE III.

The two governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, the regulations, restrictions, and provisions with appropriate penalties for all breaches thereof; and the date when they shall be put into operation shall be fixed by the concurrent proclamations of the Governor-General of the Dominion of Canada in Council and of the President of the United States.

And it is further agreed that jurisdiction shall be exercised by either government.



7-8 EDWARD VII., A. 1908

as well over citizens or subjects of either party apprehended for violation of the regulations in any of its own waters to which said regulations apply, as over its own citizens or subjects found within its own jurisdiction who shall have violated said regulations within the waters of the other party.

#### ARTICLE IV.

It is agreed that the waters within which the aforementioned regulations are to be applied shall be as follows: (1) The territorial waters of Passamaquoddy bay; (2) the St. John and St. Croix rivers; (3) Lake Memphramagog; (4) Lake Champlain; (5) the St. Lawrence river, where the said river constitutes the international boundary; (6) Lake Ontario; (7) the Niagara river; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian Bay but including North Channel; (11) St. Mary's river and Lake Superior; (12) Rainy river and Rainy lake; (13) Lake of the Woods; (14) the Strait of San Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia and Paget Sound, lying between the parallels of  $48^{\circ} 10'$  and  $49^{\circ} 20'$ ; (15) and such other contiguous waters as may be recommended by the International Fisheries Commission and approved by the two governments. It is agreed on the part of Great Britain that the Canadian government will protect by adequate regulations the food fishes frequenting the Fraser river.

The two governments engage to have prepared as soon as practicable, charts of the waters described in this article, with the international boundary line indicated thereon; and to establish such additional boundary monuments, buoys, and marks as may be recommended by the commission.

#### ARTICLE V.

The International Fisheries Commission shall continue in existence so long as this convention shall be in force, and each government shall have the power to fill, and shall fill from time to time, any vacancy which may occur in its representation on the commission. Each government shall pay its own commissioner, and any joint expenses shall be paid by the governments in equal moieties.

#### ARTICLE VI.

The regulations, restrictions, and provisions provided for in this convention shall remain in force for a period of four years from the date of their executive promulgation, and thereafter until one year from the date when either the government of Great Britain or of the United States shall give notice to the other of its desire for their revision; and immediately upon such notice being given the commission shall proceed to make a revision thereof, which revised regulations, if adopted and promulgated by the Governor-General of Canada in Council and by the President of the United States, shall remain in force for another period of four years and thereafter until one year from the date when a further notice of revision is given as above provided in this article. It shall, however, be in the power of the two governments, by joint or concurrent action upon the recommendation of the commission, to make modifications at any time in the regulations.

#### ARTICLE VII.

The present convention shall be duly ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington the 11th day of April, in the year of our Lord one thousand nine hundred and eight.